

MinterEllison

11 August 2021

BY EMAIL ONLY

David Hatfield
Director | Adjudication
Australian Competition & Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601
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Dear David

State of Queensland as represented by Queensland Health for authorisation AA1000493 – Condition 1 update

1. On 13 August 2020, the Australian Competition and Consumer Commission (**ACCC**) granted authorisation to Queensland Health, together with specified owners or operators of private health facilities in Queensland (and their related bodies corporate) and each of Queensland's Hospital and Health Services (together, the **Applicants**) to discuss, enter into and give effect to contracts, arrangements or understandings (**Agreement(s)**) which have the broad purpose of maximising healthcare capacity and ensuring the State-wide coordination of healthcare services to facilitate the most efficient and effective allocation of healthcare during the period of the COVID-19 pandemic (the **Proposed Conduct**), (the **ACCC Authorisation Decision**). The ACCC granted authorisation until 30 September 2021.
2. The ACCC Authorisation Decision is subject to the following conditions:
 - (a) **Condition 1:** Queensland Health must provide regular updates to the ACCC at a frequency agreed between Queensland Health and the ACCC, and provide any additional information reasonably requested by the ACCC; and
 - (b) **Condition 2:** To the extent that Queensland Health believes it necessary or desirable for any other private healthcare operators (other than the private hospital operators listed in Attachment 1) to participate in the Proposed Conduct, Queensland Health must notify the ACCC of the identity of those parties.
3. On 28 August 2020, the ACCC requested that under Condition 1 of the ACCC Authorisation Decision, Queensland Health provide a report in the event that:
 - (a) a new Agreement with a Private Hospital Operator is entered; or
 - (b) a Private Health Facility Coordination Group meeting is held.
4. The purpose of this letter is to provide information necessary to comply with Condition 1, which is set out in **Annexure 1** to this letter.

Please let us know if the ACCC has any questions.

Yours faithfully
MinterEllison

Partner: Kathryn Finlayson

OUR REF: 1297109

Annexure 1 – Condition 1 reporting

1. Meeting of the Private Health Facility Coordination Group

A meeting of the Private Health Facility Coordination Group was held on 6 August 2021. A summary of the matters discussed at the meeting is set out in the below table.

Date of meeting	Summary of matters discussed
6 August 2021	<p>COVID-19 response: Queensland Health provided an update on the COVID-19 pandemic response in Queensland, particularly the community transmission cases impacting both children and adults and the challenges associated with families in isolation. Queensland Health provided an update on the Commonwealth National Partnership Agreement (NPA), which is expected to continue to 30 June 2022.</p> <p>Private sector support: Queensland Health outlined its proposed approach to COVID-19 funding and support arrangements with the private sector, and to existing Hospital and Health Service and Surgery Connect contracts.</p>